

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MENLO INVESTMENT GROUP, LLC, §
ET AL., §**

Plaintiffs, §

v. §

O.D. FOUGHT, JR., ET AL., §

Defendants. §

No. 3:12-CV-4182-K (BF)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files, and records in this case, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated December 22, 2014, and the Plaintiffs' Objections filed on January 5, 2015, Defendant's Response to Plaintiff's Objections filed on January 9, 2015, and Plaintiff's Reply to Defendant's Response, filed on January 23, 2015, the Court finds that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct, and they are accepted as the Findings, Conclusions, and Recommendation of the Court. Plaintiffs' Objections are **OVERRULED**.

IT IS THEREFORE ORDERED that Defendant City National Bank's Motion for Summary Judgment (Doc. 63) is granted in part and denied in part. The motion is

GRANTED with respect to Plaintiffs' claims against City National Bank for negligence and negligence per se, and those claims are hereby DISMISSED with prejudice. In all other respects, the motion is DENIED.

SO ORDERED,

Signed February 5th, 2015.

A handwritten signature in black ink, reading "Ed Kinkeade", written in a cursive style.

ED KINKEADE
UNITED STATES DISTRICT JUDGE